IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

WP(C).No. 3544 of 2007(V)
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AGAINST THE ORDER IN IA 2530/06 IN
OPELE.51/2005 of MUNSIFF COURT, TIRUR
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PETITIONER:
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MACHINGATHODI RASHEED,
S/O.AVARANKUTTY, AGED 28 YEARS,
MARAKKARA AMSOM, KALLAR MANGALAM DESOM,
PUNNTHALA P.O., TIRUR TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS:
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1. MOORKATHU SAKKEENA, W/O.MOIDEENKUTTY,
AGED 32 YEARS, MOORKATHU HOUSE,
MARAKKARA AMSOM, KALLARMANGALAM DESOM,
P.O.KALLARMANGALAM, VIA KADAMPUZHA,
TIRUR TALUK.

2. VAHEEDHA BHANU, W/O.MOHAMMED BASHEER,
AGED 32 YEARS, KULATHINKAL HOUSE,
MARAKKARA AMSOM, KALLARMANGALAM DESOM,
PILATHARA P.O., KADAMPUZHA, TIRUR TALUK.

3. KANDAMPARAMBIL GIRIJA,
W/O.KRISHNAN, AGED 31 YEARS,
MELMURI AMSOM DESOM,
P.O.KADAMPUZHA, TIRUR TALUK.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

# Appendix

Petitioner's Exts:

Ext.P1 true copy of OP (Election) No.51/2005 of the court of the Munsiff, Tirur.

Ext.P2 true copy of IAS 2530/2006 in Election OP 51/2005 of the court of the Munsiff, Tirur.

Ext.P3 true copy of the counter in IA 2530/2006 in Election OP 51/2005 of the court of the Munsiff, Tirur.

Ext.P4 true copy of the order of the Munsiff, Tirur in IA 2530/2006 in original petition (Election) No.51/2005.

**M.N.Krishnan, J.**

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**W.P(C).No.3544 of 2007**

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**Dated this the 23rd day of October, 2007.**

**JUDGMENT**

This Writ Petition is preferred against the order of the Munsiff, Tirur in I.A.No.2530 of 2006 in Election O.P. No.51 of 2005. The petition is one for calling for about 36 documents which are produced in Election O.P.No. 50 of 2005.

2. At the outset one has to satisfy whether those documents have been called for in Election O.P.No.50 of 2005. Secondly those documents are produced for the purpose of trial in Election O.P.No.50 of 2005 and if they are called for in another case, the trial of the other will get blocked. Thirdly, if the court below calls for the documents from another case they are depriving the respondents from resisting the petition for calling for the documents. So there is considerable force in the order of the court below that it cannot be entertained at that stage. But the fact remains that if those documents are really necessary for

the trial of the Election O.P., then naturally there must be a way out for the party to get those documents. Being an election petition and some of the documents being confidential in nature, the court will not be in a position to issue certified copies as well.

3. Therefore, I direct the writ petitioner to file a fresh application and direct the court below to consider how the documents called upon can be procured and also to find out which are the documents that are essential and if those documents are not essential for the trial of the other case, then after issuing notice to the respondents call for those records for the purpose of this case. The court can pass a considered order after taking into consideration of all the facts. But at the same time without consideration of the fact whether those documents are necessary it shall not dispose of the case and the trial be deferred till then.

Writ Petition is disposed of accordingly.

M.N.Krishnan,
Judge.

ess 23/10